

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE
DEPARTMENT OF PROFESSIONAL AND VOCATIONAL STANDARDS
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation of)
DONALD E. MEDARIS, M. D.,)
Respondent.)

NO. D-509

DECISION

The attached Proposed Decision of the Hearing Officer
is hereby adopted by the Board of Medical Examiners as its
decision in the above-entitled matter.

This decision shall become effective on the 17TH
day of MARCH, 1960.

IT IS SO ORDERED this 16TH day of FEBRUARY,
1960.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF CALIFORNIA

BY

Louis E. Jones, M.D.
LOUIS E. JONES, M.D.,
Secretary

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In the Matter of the Accusation of)	
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DONALD E. MEDARIS, M. D.,)	No. D-509
)	
Respondent.)	

PROPOSED DECISION

This matter came on regularly for hearing before Frank M. Towner, Hearing Officer of the Division of Administrative Procedure, on December 29, 1959, at Los Angeles, California. Arthur L. Martin, Deputy Attorney General, appeared as counsel for the Board. Boller, Suttner & Boller, by Ardene Boller, appeared as counsel for respondent, who was present in person. Evidence, both oral and documentary, having been received and the matter submitted, the Hearing Officer finds the following facts:

I

Complainant, Keith W. Hooper is a Special Investigator for the Board of Medical Examiners of the State of California.

II

Respondent, Donald E. Medaris, was heretofore issued a Physician's and Surgeon's certificate by the Board of Medical Examiners of the State of California, and said certificate is now in full force and effect.

III

On or about April 2, 1957, respondent wrote and issued a prescription for 30 cc of Isonipeccaine (also known as demerol),

a narcotic, for one E [REDACTED] A [REDACTED], which prescription and narcotic were not solely for said E [REDACTED] A [REDACTED], but all or a portion of the narcotic so prescribed was actually for, secured and used by the respondent for the use of the respondent's wife.

IV

On or about May 20, 1959, in a case then pending in the Superior Court of the State of California, in and for the County of Los Angeles, entitled: "The People of the State of California, Plaintiff, vs. Donald E. Medaris, Defendant", No. 214445, respondent was convicted, on his plea of guilty, of the violation of 11170(2) of the Health & Safety Code, in that on or about September 11, 1958, he did willfully, unlawfully and feloniously make a false statement in a prescription and record required by Division 10 of the Health and Safety Code. Said conviction is of a statute of this state regulating narcotics and is of a crime involving moral turpitude. Thereafter, on June 22, 1959, proceedings were suspended in this matter and respondent was placed on probation for a period of five years on condition, inter alia, that he pay a fine of \$1,000.00.

V

Respondent wrote and issued the following prescriptions for narcotics to the following named persons, but said narcotics and prescriptions were not solely for the persons named in said prescriptions:

<u>Name</u>	<u>Prescription Number</u>	<u>Date</u>	<u>Narcotic and Quantity</u>
M [REDACTED] S [REDACTED]	SS 105792	9/11/58	8 - 1/4 gr. Morphine Sulfate hypodermic tablets
E [REDACTED] S. W [REDACTED]	VV 952936	10/28/58	12 - 1/4 gr. Morphine Sulfate hypodermic tablets

<u>Name</u>	<u>Prescription Number</u>	<u>Date</u>	<u>Narcotic and Quantity</u>
A. O. K. [REDACTED]	VV 052942	11/4/58	12 - 1/4 gr. Morphine Sulfate hypodermic tablets
Mrs. G. [REDACTED] L. C. [REDACTED]	VV 052960	12/1/58	12 - 1/4 gr. Morphine Sulfate hypodermic tablets
J. [REDACTED] A. S. [REDACTED]	VV 052999	2/9/59	16 - 1/4 gr. Morphine Sulfate hypodermic tablets
M. [REDACTED] H. [REDACTED]	VV 138111	2/25/59	12 - 1/4 gr. Morphine Sulfate hypodermic tablets
Mr. L. [REDACTED] H. [REDACTED]	VV 138126	3/5/59	6 - 1/4 gr. Morphine Sulfate hypodermic tablets
Mr. F. [REDACTED] K. [REDACTED]	VV 138119	3/11/59	20 - 1/4 gr. Morphine Sulfate hypodermic tablets

VI

Respondent made the following showing:

1. In 1957 he used demerol for his wife, which he obtained through prescriptions for other persons. His wife was addicted thereto, and he did this in an effort to help her withdraw from narcotics.

2. He has many elderly welfare patients, and used portions of the morphine sulfate prescriptions for these patients. He did not use these drugs for his wife or for sale to others.

3. His wife was convicted on a narcotics use charge, and he was at that time cautioned by the judge to avoid keeping a supply of narcotics on hand which might be a temptation to her.

4. He received his medical degree from the University of Pennsylvania in 1942; completed his internship in San Diego in 1943, and served as an army medical officer from 1943 to 1946. From 1946 to 1948, he was a resident in internal medicine at Wadsworth Veterans Hospital, and from 1948 until 1954, he was in private practice with a medical group in El Monte. Since 1954, he has had his own private practice in Baldwin Park and Temple City, specializing in internal medicine and cardiology.

5. Letters submitted from four medical doctors and nine other persons who are familiar with his personal and professional reputation and conduct, attest to his good character.

* * * * *

Based on the foregoing findings of fact, the Hearing Officer makes the following determination of issues:

I

The facts set forth in Finding III show that respondent has violated sections 11165, 11170 and 11225 of the Health and Safety Code, which are statutes of this state regulating narcotics, constituting unprofessional conduct under section 2391.5 of the Business and Professions Code and causes for disciplinary action under section 2361 of said Code.

II

The facts set forth in Finding IV show that respondent has been convicted of a violation of a statute of this state regulating narcotics, which is also a crime involving moral turpitude, constituting unprofessional conduct under sections 2383 and 2384 of the Business and Professions Code and causes for disciplinary action under section 2360 of said Code.

III

The facts set forth in Finding V show that respondent has violated sections 11165, 11168, 11170 and 11225 of the Health and Safety Code, which are statutes of this state regulating narcotics, constituting unprofessional conduct under section 2391.5 of the Business and Professions Code, and causes for disciplinary action under section 2361 of said Code.

IV

There is no cause for disciplinary action against respondent under section 11167 of the Health and Safety Code and section 2390 of the Business and Professions Code.

V

The respondent's showing has been considered in mitigation of penalty herein.

* * * * *

WHEREFORE, the following order is hereby proposed:

The license of respondent Donald E. Medaris to act as a physician and surgeon in the State of California is revoked; provided, however, that the effectiveness of this order is stayed for a period of five (5) years during which period respondent is placed on probation to the Board of Medical Examiners subject to the following conditions:

1. The respondent shall not exercise any of the rights and privileges of his license to practice as a physician and surgeon for ten (10) days immediately following the effective date of the order herein.
2. The respondent shall report in person to the Board of Medical Examiners annually at its regular summer meetings held in Los Angeles, California, commencing in the year 1960.
3. The respondent shall comply with all laws of the United States and the State of California and with the rules and regulations of the Board of Medical Examiners.
4. The respondent shall comply with the order of probation of the Superior Court.
5. The respondent shall file with the Board of Medical Examiners at quarterly intervals an affidavit to the effect that he has fully and faithfully complied with all of the conditions of probation imposed herein.

6. In the event respondent does not comply with the conditions of probation herein above set forth, and during the period of probation the Board of Medical Examiners, after notice to respondent and opportunity to be heard, may terminate said probation effective immediately, or make such other order modifying or changing the terms of probation herein as it deems just and reasonable in its discretion.

7. Upon expiration of the period of probation, the stay of the order of revocation will become permanent and respondent's license fully restored.

I hereby submit the foregoing which constitutes my proposed decision in the above-entitled matter as a result of the hearing had before me on December 29, 1959, at Los Angeles, California, and recommend its adoption as the decision of the Board of Medical Examiners.

DATED: January 15, 1960.


FRANK M. TOWNER, Hearing Officer